

SO ORDERED: October 29, 2019.



A handwritten signature in black ink, appearing to read "Andrea K. McCord". The signature is written over a horizontal line.

Andrea K. McCord
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE: ANTHONY D CRADY
RANDI L CRADY

DEBTOR(S)

CASE NO: 19-91224-AKM-13

ORDER CONFIRMING DEBTOR'S 1ST AMENDED CHAPTER 13 PLAN

The Debtor, having filed an Amended Plan on September 13, 2019, and after notice and opportunity, there were no objections filed. The Court, after reviewing the filings and the Trustee's recommendation, hereby confirms the Amended Plan as follows:

- 1) the Amended Plan complies with the provisions of this chapter and with other applicable provisions of this title;
- 2) any fee, charge, or amount required by statute or by the Amended Plan, to be paid before confirmation, has been paid;
- 3) the Amended Plan has been proposed in good faith and not by any means forbidden by law;
- 4) the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such a claim if the estate of the Debtor was liquidated under 11 U.S.C. Chapter 7 on such date:
 - In order to meet the disposable income calculation as required pursuant to U.S.C. §1325(b)(2), the minimum to be paid is \$9,834.00 or 100%, whichever is less;

- 5) Adequate Protection Payments shall continue
 - until the Attorney Fees are paid in full, at which time the creditor will begin receiving the Equal Monthly Installment Payments provided for in the Amended Plan;
- 6) with respect to each allowed Secured Claim provided for by the Amended Plan:
 - Wilmington Savings Bank/Fay Servicing – Real Estate debt paid direct by Debtors; Pre-petition Escrow Shortage paid through the plan;
 - Ford Motor Credit – 2015 Ford Escape debt paid up to the FMV through the plan;
 - OneMain Financial – 2000 Ford F-150 debt paid up to the FMV through the plan;
- 7) with respect to each allowed Priority Claim provided for by the Amended Plan:
 - NONE;
- 8) with respect to each allowed Special Class Unsecured Claim provided for by the Amended Plan:
 - Mortgage Administrative claims filed during the course of this Plan shall be paid in full through the Plan unless an objection is filed by Debtor or Trustee;
- 9) all Contracts and/or Leases are rejected unless assumed by the Amended Plan;
- 10) the Debtor will be able to make all payments under the Amended Plan and to comply with the Amended Plan;

THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that:

1. For 60 months or until further ordered, the Debtor shall pay (or the employer of the Debtor shall deduct from the wages, salary, or commissions of the Debtor and pay) to Joseph Black, Jr, Chapter 13 Trustee, PO Box 440, Memphis, TN 38101-0440, the sum of \$500.00 per month for twenty-four (24) months beginning September 2019; then \$570.00 per month beginning September 2021 for seventeen (17) months; then \$635.00 per month beginning February 2023 for the remaining nineteen (19) months for payments to the Trustee of \$33,755.00, plus any additional payments required to satisfy the Chapter 7 liquidation test pursuant to 11 U.S.C. §1325(a)(4) or the disposable income calculation pursuant to 11 U.S.C. §1325(b)(2) as set forth in this Order and

determined by the amount of allowed unsecured claims;

2. The value of the security and the treatment of the special class unsecured claims are as shown above in the findings;
3. The Debtor may incur post-petition debt upon written approval from the Trustee except for transactions concerning real estate;
4. The Debtor will file a separate Motion or Adversary proceeding to avoid the following non-purchase money security interests, judicial liens, wholly unsecured mortgage or other liens that impair exemptions:
 - Blue World Pools, Inc./Sortis Financial
5. There are no modifications to the Amended Plan;
6. Future income and receipts of the Debtor shall remain the property of the estate and paid either to the Debtor or the Trustee as set out in the Amended Plan or order and all other assets of the Debtor shall remain in the possession and control of the Debtor with the estate having a non-possessory beneficial interest in the assets in that they are necessary for the effective reorganization of the Debtor.
7. Plan payments will only be deemed timely received by the Trustee if received in the month in which they are due.
8. The Debtor's Amended Plan is confirmed as filed.

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